

### REMARKS

Claims 1-48 are pending in this application. Applicant respectfully requests reconsideration of the application in view of the following remarks.

#### **Claim Rejections under 35 U.S.C. § 112**

Claims 1-48 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner states that the subject matter “wherein there are more coupling points than audio-visual modules” as recited in independent Claim 1 and also “wherein there are more locations than audio visual modules” as cited in independent Claims 2, 24, 26, 33, and 35 was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicant respectfully disagrees as discussed below.

In the specification, modular mounting bar 101, shown in Fig. 2A, comprises a rail 114. *See Spec*, para. 0034. One or more audio-visual modules 110 may be affixed to the rail 114. *See id.* at 0038. For example, the modules may comprise two loudspeakers. *See id.* Alternatively, the modules may comprise three loudspeakers. *See id.* Accordingly, in view of the cited portions of the specification, one of ordinary skill in the art will understand the same rail 114 has coupling points or locations for at least three loudspeakers, but there may in fact only be two loudspeakers affixed to rail 114.

In addition, the specification states that “modules 110 may be easily removed, added, or relocated along the rail 114 as new modules 110 are added.” *See id.* at 0039. Further, “[t]he set of modules 110 may also be repositioned along rail 114 when changes in the set of modules makes rearrangement of the modules 110 advantageous.” *See id.* Therefore, it is clear that there may be fewer modules attached to the rail 114 than locations or coupling points as additional modules can be attached at a later time and/or the modules may be moved to other locations along the rail 114.

The subject matter of the claims is therefore supported by at least the examples in the specification discussed above. Accordingly, Applicant respectfully requests the rejection be withdrawn.

**Claim Rejections under 35 U.S.C. 103(a)**

Claims 1-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan (U.S. Patent App. Pub. No. 2003/0029975), Simon (U.S. Patent App. Pub. No. 2001/0027560 A1), Greenberg (U.S. Patent No. 4,475,226), and Schlattmann (U.S. Patent No. 6,298,942). Applicant respectfully submits that Claims 1-48 are allowable over the prior art of record as discussed below.

**Independent Claims**

In rejecting each of independent Claims 1, 2, 24, 26, 33, and 35, the Examiner acknowledges that the combined teaching of Cowan and Simon fails to disclose “the rail wherein there are more coupling points than audio modules.” The Examiner relies on Greenberg to cure this deficiency. Applicant respectfully submits that the combination of Cowan and Greenberg is improper as discussed below.

Cowan describes a “universal surface mounted loudspeaker which includes an enclosure in which loudspeaker components are mounted ... and a bracket sized to fit substantially flush in a corresponding recess formed in a rear portion of the enclosure.” (Para. [0008]). Therefore, Cowan specifically discloses a bracket for holding a single loudspeaker, where the bracket fits into a recess of the enclosure of the loudspeaker such that the bracket is not visible. The reason for such a design in Cowan, therefore, is to ensure that the bracket for mounting the loudspeaker to a wall is not visible.

Greenberg describes a stereo sound and light track system. Greenberg discloses a track with a bus bar assembly in the track. Connectors are provided on fixtures (e.g., lights and speakers) that attach to the track and interface with the buses in the track. Power signals and audio signals may then be carried through the buses in the track to the fixtures. Unlike the bracket in Cowan, the track in Greenberg is clearly visible even with fixtures attached to the track.

It is Applicant’s understanding that the Examiner has combined Cowan and Greenberg to either teach: 1) the speaker along with the bracket of Cowan can be attached to the track of

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Greenberg; or 2) the bracket of Cowan can be replaced with the track of Greenberg. Applicant submits that either combination is improper.

The first combination is improper because it teaches, according to the Examiner's characterization of the elements, attaching a first rail (the bracket of Cowan) to a second rail (the track of Greenberg). There would be no reason to make such a combination as each rail is sufficient by itself to mount a speaker. Further, adding the additional rail to Cowan would frustrate the purpose of Cowan as the track would then be visible.

In addition, the second combination is improper as it would frustrate the purpose of Cowan. In particular, Cowan touts the benefits of a bracket sized to fit substantially flush in a corresponding recess formed in a rear portion of a speaker enclosure. A track such as in Greenberg would not sit flush in the speaker enclosure and would be visible, which is against the teachings of Cowan.

Based on the above, the combination of Cowan and Greenberg is improper. Further, the remaining references do not teach or suggest all of the limitations of the independent claims. Therefore, Applicant respectfully submits that each of Claims 1, 2, 24, 26, 33, and 35 is allowable over the prior art of record.

#### **Dependent Claims**

Claims 3-23, 25, 27-32, 34, and 36-48 each depend from one of independent Claims 1, 2, 24, 26, 33, or 35, and further define additional features. In view of the patentability of their base claim, and in further view of the additional features, Applicant respectfully submits that the dependent claims 3-23, 25, 27-32, 34, and 36-48 are patentable over the applied prior art.

#### **No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure,

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including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the apparatuses/methods recited by the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

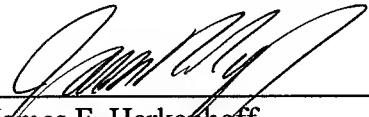
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By:   
James F. Herkenhoff  
Registration No. 51,241  
Attorney of Record  
Customer No. 20,995  
(858) 836-9160

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